

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SCOTT McLAUGHLIN,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:12 CV 1464 CDP
	)	
ANNE L. PRECYTHE, <sup>1</sup>	)	
	)	
Respondent.	)	

**ORDER**

Presently pending before me is the State's motion to alter or amend judgment under Fed. R. Civ. P. 59(e), arguing that I erred when I granted habeas relief on death-row inmate Scott McLaughlin's claim that the trial court's imposition of a death sentence violated his Sixth, Eighth, and Fourteenth Amendment rights because Missouri's sentencing statute and jury instructions permitted the trial court, rather than the jury, to make findings of fact required to render him eligible for the death penalty. On information publicly available, it appears that the Missouri Supreme Court will have the opportunity to resolve the controlling issue of state law that is central to determining the issue raised in the

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<sup>1</sup> Petitioner is incarcerated at the Potosi Correctional Center in Mineral Point, Missouri. Because the warden position at Potosi is currently vacant and Anne L. Precythe, Director of the Missouri Department of Corrections, is the state officer who has custody of the petitioner, Precythe is substituted as proper party respondent. See Rule 2(a), Rules Governing Section 2254 Cases in the United States District Courts.

State's motion. *See State v. Wood*, Case No. SC 96924 (Mo. 2018), *on appeal from* Case No. 1431-CR00658-01 (Cir. Ct. Greene Cty. 2018). I will therefore stay this action until the Missouri Supreme Court determines the question in *Wood*, or – because briefing in *Wood* is not yet complete – the parties notify me that the question has not been presented to the state supreme court.

Accordingly,

**IT IS HEREBY ORDERED** that this action is **STAYED**.

**IT IS FURTHER ORDERED** that the parties shall notify this Court within ten (10) days of either: 1) the Missouri Supreme Court's decision in *State v. Wood*, Case No. SC 96924; or 2) the filing of appellate briefs in *Wood* demonstrating that the issue will not be presented to that court.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of July, 2018.